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PATENT
ATTORNEY DOCKET NO.: 013306-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ian Duncan RUBIN et al.

Application No.: 09/891,615.

Filed: June 27, 2001

For: EXTRACTS, COMPOUNDS &
PHARMACEUTICAL COMPOSITIONS
HAVING ANTI-DIABETIC ACTIVITY
AND THEIR USE

Group Art Unit: 1614

Examiner: Unassigned

Commissioner For Patents and Trademarks
BOX MISSING PARTS
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed August 16, 2001.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney

☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

12/16/2001 AGOITOM 00000097 500310 09891615

05 FC:116 10.00 CH 390.00 OP

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

- ☐ Applicants claim small entity status as provided under 37 C.F.R. §§ 1.9 and 1.27.

5. Fee Calculation

Basic Fee: Patent Application-\$740.00 Design Application-\$330.00				\$ 740.00
	Number Filed	Number Extra	at a Rate of	
Total Claims	41 - 20 =	21	\$18.00 each=	+ 378.00
Independent Claims	8 - 3 =	5	\$84.00 each=	+ 420.00
Multiple dependent claim(s), if any			\$270.00	+ 270.00
Missing Parts Surcharge Fee			\$130.00	+ 130.00
SUB-TOTAL =				1,938.00
Reduction by ½ for filing by a small entity				- \$ 0.00
SUB-TOTAL =				0.00
Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d))			\$130.00	+ 0
Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d))			\$130.00	+ 0
TOTAL FILING FEE =				\$ 1,938.00

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

[X] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
[] one month	\$ 110.00	\$ 55.00
[X] two months	\$ 400.00	\$200.00
[] three months	\$ 920.00	\$460.00
[] four months	\$1,440.00	\$720.00

Extension of time fee due with this request: \$400.00

If an additional extension of time is required, please consider this a Petition therefor.

[] Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is:	Filing Fee	<u>\$1,808.00</u>
	Missing Parts Fee	<u>\$ 130.00</u>
	Total Fee Due	<u>\$1,938.00</u>
	Two Month Extension of Time Fee	<u>\$ 400.00</u>
	Less ½ for Small Entity	<u>\$ 0.00</u>

Total Fee Due **\$2,338.00**

[x] Enclosed is a check in the amount of **\$2,338.00** representing the total fee due.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Christine S. Lee

Reg. No. 42,788

Date: December 17 2001

CUSTOMER NO. 009629

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/891,615	06/27/2001	Ian Duncan Rubin	013306-5003

009629
MORGAN, LEWIS & BOCKIUS
1800 M STREET NW
WASHINGTON, DC 20036-5869

CONFIRMATION NO. 8850

FORMALITIES LETTER



OC00000006431189

Date Mailed: 08/16/2001



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$326.
 - \$126 for 14 total claims over 20.
 - \$200 for 5 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 746.

*A copy of this notice **MUST** be returned with the reply.*

M. W.
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

12/18/2001 160101H 00000097 500310 09891615
 01 FC:101 740.00 OP
 02 FC:105 130.00 OP
 03 FC:103 378.00 OP
 04 FC:102 420.00 OP
 05 FC:104 280.00 OP